

**REMARKS**

Claims 1-27 are pending in this Application. The Office Action dated September 12, 2003, has rejected Claims 1-19. In response, Applicant has amended Claims 1, 4, 7, 8, 13, 14, 17, 18 and 19, and cancelled Claims 3 and 15 to further clarify the patentable subject matter of the claimed invention. Claims 20-27 have been added. No new matter has been added by any of these amendments. For the reasons discussed in detail below, Applicant submits that the pending claims are patentable over the art of record.

**Rejection under 35 U.S.C. 101:**

The Office Action has rejected Claims 1 and 13 as system claims failing to recite structural limitations under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Office Action further rejected Claims 2-12 and 14-19 for being dependent from rejected independent claims. Applicant respectfully traverses this rejection.

The Applicant respectfully submits that amended Claim 1 is a method claim, and does not require structural limitations. Therefore amended Claim 1 and Claims 2-7 and 19, which depend from amended Claim 1 comply with 35 U.S.C. 101. Amended independent Claim 8 is directed toward a system and recites, among other things, “a customer device connected to the optimizer device via the network...”, and “wherein the optimizer device includes at least one database...” Furthermore, Claim 9, which depends from amended independent Claim 8, recites “The system of claim 8, wherein the optimizer device includes a web server component for hosting a web site...” These elements clearly indicate that the system claimed in amended independent Claim 8 and its dependent claims is directed toward a computer based application with sufficient structural limitations to overcome a 35 U.S.C. 101 rejection.

Amended independent Claim 13 is directed towards a system in means plus function format. Amended independent Claim 13 recites, among other things, “means for searching a decision rules database...”, and “means for implementing a business rule filter...”, clearly indicating that the claimed invention in this claim is directed towards a computer based system.

Moreover, the employed structures are supported in the Specification under 35 U.S.C. 112 Paragraph 6. Additionally, new Claim 20, which depends from Amended independent Claim 13, provides further structural limitations. Applicant respectfully submits that at least for the reasons discussed above, Claims 1-19 are directed towards statutory subject matter. Furthermore, the rejection of Claims 1-19 is moot in light of the amendments to these claims, and notice to that effect is earnestly solicited.

Rejection under 35 U.S.C. 102(e):

The Office Action has rejected Claims 1-4, 13-15, and 19 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,012,051, Sammon, et al. ("Sammon"). Applicant respectfully traverses this rejection.

The Applicant respectfully submits that the prior art reference does not anticipate any of the claim limitations. Amended Claim 1 recites a method for assisting a customer in choosing a combination of commodity options, comprising among other steps "modifying the set of business requirement questions based on the answer received for each question..."(emphasis added). This interactive modification capability by using inference engines or a knowledge database is supported by the Specification. See Specification, Page 15, lines 5-9.

Unlike the claimed invention, however, Sammon neither discloses nor suggests modifying the business requirement questions based on the answer received for each question. Sammon teaches processing information to identify product choices within a product domain for a user based, in part, on gathered user preferences, and Sammon's disclosed method "presents the user with a sequence of prompts, and gathers preference or requirement data in response to prompts in the sequence. As each prompt is completed, the set of remaining items is computed based on any requirements specified..." See Sammon, Abstract, Col. 3, lines 43-48. While Sammon suggests using fuzzy logic to process assigned preference values, it does not dynamically modify a set of business requirement questions based on the answers. See Sammon, Col. 13, lines 34-39.

Therefore, for at least this reason, Sammon neither anticipates, nor makes obvious the claimed invention.

Applicant respectfully submits that for at least the same reasons cited above, Claims 2-4 and 19, which are dependent from amended Claim 1 are not anticipated and allowable over the cited reference. Amended independent Claim 13 recites a system performing tasks similar to the ones described in amended Claim 1, and is also allowable for at least the same reasons cited for amended Claim 1. Claims 14 and 15 are dependent from amended Claim 13, therefore allowable for the same reasons as discussed above.

Rejection under 35 U.S.C. 103(a):

The Office Action has rejected Claims 8-11 and 18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,873,071, Ferstenberg, et al. ("Ferstenberg"). Applicant respectfully traverses this rejection.

The Applicant respectfully submits that Ferstenberg does not disclose or suggest any of the claim limitations. Amended Claim 8 recites a system for assisting a customer in choosing between commodity types, comprising, among other things, an optimizer device that includes a processing component performing tasks including receiving answers to a set of business requirement questions, modifying the set of business requirement questions based on the answers.

Unlike the claimed invention, Ferstenberg does not dynamically modify a set of business requirement questions based on the answers. Ferstenberg is directed to software processes distributed on one or more computer systems that exchange messages in order to facilitate an intermediated exchange of financial commodities between a plurality of participants. See Ferstenberg, Abstract. Ferstenberg discloses "a database program running on at least one computer for storing copies of the order messages, and the result messages", "an electronic database for storing copies of the order and the result messages, and in the event of process failure in the order-manager system for retrieving for retrieving the message copies to restart the failed process", and "...computers connected by at least one communication network, which provides communication

links, ..., for the exchange of messages between the processes.” See Ferstenberg, Col 7, lines 16-18, Col 11, lines 5-8, Col 15 line 62-Col 16 line 20. However, Ferstenberg does not teach or suggest a system for assisting a customer in choosing between commodity types, comprising, among other things, an optimizer device that includes a processing component performing tasks including receiving answers to a set of business requirement questions, modifying the set of business requirement questions based on the answers. Thus, Ferstenberg does not render the claimed invention, as recited in Claim 8, obvious. Therefore, Claim 8 is in condition for allowance.

Applicant respectfully submits that for at least the same reasons cited above, Claims 9-11, which are dependent from amended Claim 8 are non-obvious and allowable over the cited references. Amended independent Claim 13 is also allowable for at least the same reasons cited for amended Claim 8. Claim 18 is dependent from amended Claim 13, therefore is allowable for the same reasons as discussed above.

The Office Action has rejected Claims 5 and 16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,012,051, Sammon, et al. (“Sammon”).

The Office Action has further rejected Claim 6-7, 12, and 17 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,012,051, Sammon, et al. (“Sammon”) in view of U.S. Patent No. 5,873,071, Ferstenberg (“Ferstenberg”).

Applicant respectfully traverses these rejections. Applicant respectfully submits that for at least the same reasons cited above, Claims 5-7, 12, and 16-17, which are dependent from amended Claims 1, 8, 13, respectively, are non-obvious and allowable over the cited references.

Newly added independent Claims 21 and 24 recite, among other things, the tasks of “dynamically modifying the questions based on received responses by employing an inference engine”, and “dynamically modifying the decision rules through an interactive process based on received responses”, respectively. Thus, for at least the reasons discussed above for amended Claim 1, new Claims 21, 24, and their dependent Claims 22-23 and 25-27 are allowable.

**CONCLUSION**

By the foregoing explanations, Applicant believes that this response has addressed fully all of the concerns expressed in the Final Office Action, and believes that it has placed each of the pending claims in condition for immediate allowance. Entry of the amendments and early favorable action in the form of a Notice of Allowance is urged. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone Applicant's attorney at the number listed below.

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Respectfully submitted,

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Attachments